



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/375,867	08/17/1999	CHARLES D. LANIER	ASTRP.235RC2	5707

20995 7590 09/03/2002

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 91614

EXAMINER

INGBERG, TODD D

ART UNIT PAPER NUMBER

2124

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

pt

Office Action Summary

Application No.

09/ 375,867

Applicant(s)

Lanier et al

Examiner

INGBERG

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/28/2002
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-31, 33, 35, 45-47, 49-59 is/are pending in the application.
- 4a) Of the above, claim(s) 34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35, 45-47, 49-59 is/are allowed.
- 6) ☒ Claim(s) 26-31, 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2124

Reissue Applications

Status of the Claims

Claims 26 - 31, 33, 35, 45 - 47, 49-59 are pending.

Claim 26 has been amended.

Claims 1- 25, 32, 34 and 36-44 have been canceled.

On Grounds of Prior art

Claims 26 - 31 and 33 are rejected.

Claims 35, 45 - 47, 49-59 are allowed.

On Grounds of Reissue Formalities

Claims 26 - 31, 33 - 35, 45 - 47, 49-59 are rejected.

Reissue Formalities

1. This offer to surrender the original patent was located in application 08/724,947.
2. The assignee has been established as Samsung. Prior objection is withdrawn.
3. A certificate of correction is required for RE37431 which is a reissue of application 08/724,947.
4. Applicant has indicated they will provide a Supplemental Declaration upon allowance.

35 U.S.C. 251

5. Claims 26 - 31, 33, 35, 45 - 47, 49-59 are rejected under 35 USC 251 as being based on a defective reissue declaration (see paragraph above).

Art Unit: 2124

Broader Claims

6. Claims 26 - 31 and 33 are rejected under 35 U.S.C. 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee. The original claim 1 of USPN 5,103,498 is more narrow than claim 26 of the reissue application. This is improper broadening. The amendment did overcome the prior scope (broad) problem the addition of the inference engine with the enabling art of user directed events narrows over the basics of the enabling technology of visual environments and are not specific to the invention of an Intelligent Help System. The rejection below is made in view of the Common Knowledge in the enabling art and will clarify the position of the Office.

Common Knowledge in the Art

Basic Mechanism of Event Handling in a Visual Environment

7. The invention is related to visual programming environments. Specifically the addition of an "Intelligent Help System" to a visual environment. The Examiner holds the enabling technology which the invention is an addition is taught by the August 8, 1985 article from IEEE Transactions on Software Engineering, volume SE-11, Number 8, pages 699-713, "Extending State Transition Diagrams for the Specification of Human-Computer Interaction", by Antony I Wasserman. The reference was reprinted in "Visual Programming Environments Paradigms and Systems", by Ephriam P. Glinert. A collection of papers from the 1980's, republished as a text

Art Unit: 2124

book August 31, 1990. The page numbers used are based on the page numbers from the Glinert publication.

The Wasserman article on page 100 (first page) covers details of a project that started in 1975 and involves an “.. interface that can take many forms, including multiple choices (menu selection), a command language, a database query language, or natural language like input”. Furthermore, the article mentions ” ...the normal action of the program is determined by user input, and the program may respond in a variety of ways, including results, requests for additional input, error messages, or assistance in the use of the system”. The internal structure of the system is shown in diagram throughout the article. The diagrams on page 101, 106, 107, 109, 110 and 111 when taken with the supporting text teach the enabling technology of the invention.

Updating the Visual Environment base on Use

The figures on pages 109 through 111 (emphasis on page 110) with the accompanying text teach adaptive Visual environments where *help and error* messages can be modified based on use, and provides query capability to databases (knowledge).

State Monitoring Event Handling in Visual Environments

The ability to monitor states in the article, “Extending State Transition Diagrams for the Specification of Human-Computer Interaction”, by Antony I Wasserman teaches the enabling technology of monitoring state transition with the Transaction Diagram Interpreted (TDI). On page 100 (first page) in section II “User Interface Definition with Transaction Diagrams”, point 2 “Completeness”: the author states, “The notation had to be self contained, including user input,

Art Unit: 2124

system output, and linkage to system operations (application code)". The following are considered part of the state transition monitoring of TDI, system state, machine state, an application state, an accessory state, and a component state, and part of the enabling technology.

Historic Queuing in Visual Environments

The invention also makes claim to another old and well known feature of visual environments.

The ability to have *historic queuing* is commonly performed with the use of a stack data structure for the purpose of providing an UNDO feature. The 1986 article "Visual Programming Languages A Perspective and a Dimensional Analysis", by Nan C. Shu published in Visual Languages, covers some history of visual environments. On page 48 - 49, the Xerox Star System which was announced in April 1981 contained an UNDO feature (as listed on page 49).

The combination of the enabling technology and the historic queuing feature are deemed obvious to one of ordinary skill in the art, well prior to the filing date. Applicant is welcome to make arguments that they invented these enabling technology. Such arguments will be made in view of these dated teachings.

The invention takes the enabling technology outlined above and adds an inference engine (claims 34, 35, 45, 46, 57, 58 and 59) to enable the an "Intelligent Help System".

Art Unit: 2124

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 26 - 31 and 33 are rejected under the judicially created doctrine of double patenting over claim 1 of U. S. Patent No. 5,103,498 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is

Art Unit: 2124

covered by the patent since the patent and the application are claiming common subject matter, as follows: The selecting help messages for a computer program storing and monitoring user directed events from input devices and use of the knowledge base with inference engine with the help system.

Allowable Subject Matter

10. Claim 35, 45 - 47, 49-59 are allowed.

Correspondence Information

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Todd Ingberg** whose telephone number is **(703) 305-9775**. The Examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Gregory Morse** be reached at **(703)308-4789**. Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the fourth floor)**, or **faxed**. The following **fax numbers** apply:

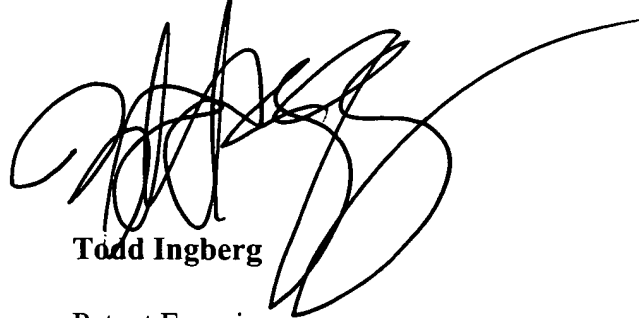
Official (703) 746 - 7239

Non Official/ Draft (703) 746 -7240

Art Unit: 2124

After Final

(703) 746 - 7238

A handwritten signature in black ink, appearing to read 'Todd Ingberg', with a long horizontal flourish extending to the right.

Todd Ingberg

Patent Examiner

Art Unit 2124

August 27, 2002